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Attorneys for Plaintiff JENS ERIK SORENSEN,
as Trustee of SORENSEN RESEARCH AND
DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of)	Case No. 08 cv 304 BTM CAB
SORENSEN RESEARCH AND)	
DEVELOPMENT TRUST,)	FIRST AMENDED NOTICE OF
)	RELATED CASES
Plaintiff)	
v.)	
)	
METABO CORPORATION, a Delaware)	
Corporation; METABOWERKE GMBH,)	
a German Corporation; and DOES 1 –)	
100,)	
)	
Defendants.)	

1
2 Pursuant to Local Civil Rule 40.1(e), Plaintiff JENS E. SORENSEN, as
3 TRUSTEE OF THE SORENSEN RESEARCH AND DEVELOPMENT TRUST
4 (“SRDT”), hereby gives FIRST AMENDED notice of cases related to the present
5 case. Specifically, SRD TRUST gives notice of the following related cases that all
6 arise from alleged infringement of United States Patent Number 4,935,184 (“the ‘184
7 patent”), whether pending, dismissed, or otherwise terminated:
8

9 **JUDGMENT ENTERED**

10 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
11 *Trust v. First International Digital, Inc., et al*, Case No. 3:07-cv-5525-JSW, filed
12 October 30, 2007 in the United States District Court for the Northern District of
13 California. Judgment of \$500,000.00 has been entered.
14

15 **PENDING – NOT STAYED**

16 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
17 *Trust v. Phillips Plastics Corp.*, filed June 26, 2008 in the United States District
18 Court for the District of Northern California. Plaintiff alleges infringement of the
19 ‘184 patent by Defendants. Consolidation is not recommended at this time.

20 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
21 *Trust v. Human Touch LLC, et al*, Case No. 08cv1080, filed June 18, 2008 in the
22 United States District Court for the District of Southern California. Plaintiff alleges
23 infringement of the ‘184 patent by Defendants. Consolidation is not yet
24 recommended because it has just been filed.

25 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
26 *Trust v. Lexar Media, Inc.*, Case No. 5:08-cv-00095-JW, filed January 7, 2008 in the
27 United States District Court for the District of Northern California. Plaintiff alleges
28 infringement of the ‘184 patent by Defendants. Consolidation is not recommended

1 because a requested stay was already denied and this case is proceeding to be
2 litigated.

3 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
4 *Trust v. Johnson Level & Tool Mfg. Co., Inc.*, Case No. 3:08-cv-0025-BTM-CAB,
5 filed January 4, 2008 in the United States District Court for the District of Southern
6 California. Plaintiff alleges infringement of the '184 patent by Defendants.
7 Consolidation is not recommended because Defendant is in default and a partial
8 settlement has already been reached.

9 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
10 *Trust v. Ampro Tools Corporation*, Case No. 4:08-cv-00096-CW, filed January 7,
11 2008 in the United States District Court for the District of Northern California.
12 Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation is not
13 recommended because there has already been an entry of default and a default
14 judgment motion is being prepared.

15 *PowerStation LLC, et al v. Sorensen Research and Development Trust*, Case
16 No. 07-cv-04167-RBH, filed December 31, 2007 in the United States District Court
17 for the District of South Carolina. Plaintiff seeks declaratory judgment that the '184
18 patent is invalid and not infringed by them, and also makes an unfair trade practices
19 claim. Consolidation is not recommended yet because a Rule 12 motion for transfer
20 for lack of personal jurisdiction is currently pending.

21 *Big Lots Stores, Inc. v. Sorensen Research and Development Trust*, Case. No.
22 08cv00506, filed May 23, 2008 in the United States District Court for the Southern
23 District of Ohio. Plaintiff seeks declaratory judgment that the '184 patent is invalid
24 and not infringed by them. Consolidation is not recommended yet because no
25 summons and complaint have been served, and this case will be the subject of a Rule
26 12 motion for transfer for lack of personal jurisdiction.

27 *Freshlink Product Development, L.L.C. v. Sorensen Research & Development*
28 *Trust*, Case. No. 08cv05021, filed May 30, 2008 in the USDC for the Southern

1 District of New York. Consolidation is not recommended yet because no summons
2 and complaint have been served, and this case will be the subject of a Rule 12
3 motion for transfer for lack of personal jurisdiction.

4 *American Safety Razor Co. v. Sorensen Research & Development Trust*, Civil
5 Case No. 07-CV-00730-HHK, filed April 20, 2007, in the United States District
6 Court for the District of Columbia. Consolidation is not recommended at this time
7 because no summons and complaint has been served and because there is no personal
8 jurisdiction over Sorensen in this court.

9 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
10 *Trust v. DMS Holdings, Inc., et al.*, Case No. 08cv559, filed March 25, 2008 in the
11 United States District Court for the District of Southern California. Plaintiff alleges
12 infringement of the '184 patent by Defendants. Consolidation with most other cases
13 in the District of Southern California was recommended (though this case involves
14 different parties and products) because the presiding judge has indicated a preference
15 for a consolidated claim construction hearing.

16 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
17 *Trust v. Star Asia, U.S.A., LLC, et al.*, Case No. 08cv307, filed February 15, 2008 in
18 the United States District Court for the District of Southern California. Plaintiff
19 alleges infringement of the '184 patent by Defendants. Consolidation with most
20 other cases in the District of Southern California was recommended (though this case
21 involves different parties and products) because the presiding judge has indicated a
22 preference for a consolidated claim construction hearing.

23 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
24 *Trust v. Alltrade Tools, LLC, et al.*, Case No. 08cv232, filed February 5, 2008 in the
25 United States District Court for the District of Southern California. Plaintiff alleges
26 infringement of the '184 patent by Defendants. Consolidation with most other cases
27 in the District of Southern California was recommended (though this case involves
28 different parties and products) because the presiding judge has indicated a preference

1 for a consolidated claim construction hearing.

2
3 **PENDING - STAYED**

4 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
5 *Trust v. Kyocera International, Inc., et al.*, Case No. 08cv411, filed March 4, 2008 in
6 the United States District Court for the District of Southern California. Plaintiff
7 alleges infringement of the '184 patent by Defendants. Consolidation with most
8 other cases¹ in the District of Southern California is recommended (though this case
9 involves different parties and products) because the presiding judge has indicated a
10 preference for a consolidated claim construction hearing.

11 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
12 *Trust v. Central Purchasing, LLC, et al.*, Case No. 08cv309, filed February 15, 2008
13 in the United States District Court for the District of Southern California. Plaintiff
14 alleges infringement of the '184 patent by Defendants. Consolidation with most
15 other cases in the District of Southern California is recommended (though this case
16 involves different parties and products) because the presiding judge has indicated a
17 preference for a consolidated claim construction hearing.

18 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
19 *Trust v. Logitech, Inc., et al.*, Case No. 08cv308, filed February 15, 2008 in the
20 United States District Court for the District of Southern California. Plaintiff alleges
21 infringement of the '184 patent by Defendants. Consolidation with most other cases
22 in the District of Southern California is recommended (though this case involves
23 different parties and products) because the presiding judge has indicated a preference
24 for a consolidated claim construction hearing.

25 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
26 *Trust v. Rally Manufacturing, Inc., et al.*, Case No. 08cv302, filed February 15, 2008

27
28 ¹ See Motion for Consolidation, denied as premature, for listing of cases Plaintiff has recommended to be consolidated.

1 in the United States District Court for the District of Southern California. Plaintiff
2 alleges infringement of the '184 patent by Defendants. Consolidation with most
3 other cases in the District of Southern California is recommended (though this case
4 involves different parties and products) because the presiding judge has indicated a
5 preference for a consolidated claim construction hearing.

6 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
7 *Trust v. Sunbeam Products, Inc., et al.*, Case No. 08cv306, filed February 15, 2008 in
8 the United States District Court for the District of Southern California. Plaintiff
9 alleges infringement of the '184 patent by Defendants. Consolidation with most
10 other cases in the District of Southern California is recommended (though this case
11 involves different parties and products) because the presiding judge has indicated a
12 preference for a consolidated claim construction hearing.

13 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
14 *Trust v. CTT Tools, Inc., et al.*, Case No. 08cv231, filed February 5, 2008 in the
15 United States District Court for the District of Southern California. Plaintiff alleges
16 infringement of the '184 patent by Defendants. Consolidation with most other cases
17 in the District of Southern California is recommended (though this case involves
18 different parties and products) because the presiding judge has indicated a preference
19 for a consolidated claim construction hearing.

20 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
21 *Trust v. Global Machinery Company, et al.*, Case No. 08cv233, filed February 5,
22 2008 in the United States District Court for the District of Southern California.
23 Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with
24 most other cases in the District of Southern California is recommended (though this
25 case involves different parties and products) because the presiding judge has
26 indicated a preference for a consolidated claim construction hearing.

27 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
28 *Trust v. Emissive Energy Corp., et al.*, Case No. 08cv234, filed February 5, 2008 in

1 the United States District Court for the District of Southern California. Plaintiff
2 alleges infringement of the '184 patent by Defendants. Consolidation with most
3 other cases in the District of Southern California is recommended (though this case
4 involves different parties and products) because the presiding judge has indicated a
5 preference for a consolidated claim construction hearing.

6 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
7 *Trust v. Motorola, Inc., et al.*, Case No. 3:08-cv-0136 LAB RBB, filed January 23,
8 2008 in the United States District Court for the District of Southern California.
9 Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with
10 most other cases in the District of Southern California is recommended (though this
11 case involves different parties and products) because the presiding judge has
12 indicated a preference for a consolidated claim construction hearing.

13 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
14 *Trust v. Sanyo North America Corporation, et al.*, Case No. 3:08-cv-0135 DMS
15 POR, filed January 23, 2008 in the United States District Court for the District of
16 Southern California. Plaintiff alleges infringement of the '184 patent by Defendants.
17 Consolidation with most other cases in the District of Southern California is
18 recommended (though this case involves different parties and products) because the
19 presiding judge has indicated a preference for a consolidated claim construction
20 hearing.

21 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
22 *Trust v. Informatics, inc., et al.*, Case No. 3:08-cv-0134-L NLS, filed January 23,
23 2008 in the United States District Court for the District of Southern California.
24 Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with
25 most other cases in the District of Southern California is recommended (though this
26 case involves different parties and products) because the presiding judge has
27 indicated a preference for a consolidated claim construction hearing.

28 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*

1 *Trust v. Ryobi Technologies, Inc., et al.*, Case No. 3:08-cv-0070-BTM-CAB, filed
2 January 11, 2008 in the United States District Court for the District of Southern
3 California. Plaintiff alleges infringement of the '184 patent by Defendants.
4 Consolidation with most other cases in the District of Southern California is
5 recommended (though this case involves different parties and products) because the
6 presiding judge has indicated a preference for a consolidated claim construction
7 hearing.

8 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
9 *Trust v. Senco Products, Inc.*, Case No. 3:08-cv-0071-BTM-CAB, filed January 11,
10 2008 in the United States District Court for the District of Southern California.
11 Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with
12 most other cases in the District of Southern California is recommended (though this
13 case involves different parties and products) because the presiding judge has
14 indicated a preference for a consolidated claim construction hearing.

15 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
16 *Trust v. Emerson Electric Co., et al*, Case No. 3:08-cv-0060-BTM-CAB, filed
17 January 10, 2008 in the United States District Court for the District of Southern
18 California. Plaintiff alleges infringement of the '184 patent by Defendants.
19 Consolidation with most other cases in the District of Southern California is
20 recommended (though this case involves different parties and products) because the
21 presiding judge has indicated a preference for a consolidated claim construction
22 hearing.

23 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
24 *Trust v. Energizer Holdings, Inc., et al*, Case No. 3:07-CV-2321-BTM-CAB, filed
25 December 11, 2007 in the United States District Court for the Southern District of
26 California. Plaintiff alleges infringement of the '184 patent by Defendants.
27 Consolidation with most other cases in the District of Southern California is
28 recommended (though this case involves different parties and products) because the

1 presiding judge has indicated a preference for a consolidated claim construction
2 hearing.

3 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
4 *Trust v. Giant International, Inc., et al*, Case No. 3:07-CV-2121-BTM-CAB, filed
5 November 6, 2007 in the United States District Court for the Southern District of
6 California. Plaintiff alleges infringement of the '184 patent by Defendants.
7 Consolidation with most other cases in the District of Southern California is
8 recommended (though this case involves different parties and products) because the
9 presiding judge has indicated a preference for a consolidated claim construction
10 hearing.

11 *Jens Erik Sorensen as Trustee of Sorensen Research and Development Trust v.*
12 *Esseplast (USA) NC, Inc., et al*, Case No. 3:07-cv-2277-BTM-CAB, filed December
13 4, 2007 in this District. Plaintiff alleges infringement of the '184 patent by
14 Defendants. Consolidation with most other cases in the District of Southern
15 California is recommended (though this case involves different parties and products)
16 because the presiding judge has indicated a preference for a consolidated claim
17 construction hearing.

18 *Jens Erik Sorensen as Trustee of Sorensen Research and Development Trust v.*
19 *Helen of Troy Texas Corporation, et al*, Case No. 3:07-cv-2278-BTM-CAB, filed
20 December 4, 2007 in this District. Plaintiff alleges infringement of the '184 patent
21 by Defendants. Consolidation with most other cases in the District of Southern
22 California is recommended (though this case involves different parties and products)
23 because the presiding judge has indicated a preference for a consolidated claim
24 construction hearing.

25 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
26 *Trust v. Digital Networks North America, Inc., et al*, Case No. 3:07-5568-JSW, filed
27 November 1, 2007 in the United States District Court for the Northern District of
28 California. Plaintiff alleges infringement of the '184 patent by Defendants.

1 Consolidation is not recommended because this related case involves different
2 parties and has different, unrelated products at issue.

3 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
4 *Trust v. The Black & Decker Corporation, et al*, Civil Case No.: 3:06-CV-1572-
5 BTM-CAB, filed August 7, 2006, in the United States District Court for the Southern
6 District of California. Plaintiff alleges infringement of the '184 patent by
7 Defendants. Consolidation with most other cases in the District of Southern
8 California is recommended (though this case involves different parties and products)
9 because the presiding judge has indicated a preference for a consolidated claim
10 construction hearing.

11 12 **SETTLED AND DISMISSED**

13 *Jens Erik Sorensen as Trustee of the Sorensen Research And Development*
14 *Trust v. Tecnica USA, Inc and Nordica USA, Inc.*, Civil Case No. 06CV1941 B
15 MLS, filed September 18, 2006 in the Southern District of California. The action
16 was settled by the parties, and dismissed.

17 *Jens Erik Sorensen As Trustee of The Sorensen Research And Development*
18 *Trust v. Head USA Inc.* Civil Case No.: 06CV1434BTN CAB, filed July 2006 in
19 the Federal District for the Southern District of California. The action was settled by
20 the parties, and dismissed.

21 *Head USA Inc. v. Jens Erik Sorensen (As Trustee of The Sorensen Research*
22 *And Development Trust), and Sorensen Research And Development Trust.* Docket
23 No.: 306CV00983, filed June 2006 in the Federal District of Connecticut. The matter
24 was transferred and consolidated with the *Sorensen Research And Development*
25 *Trust v. Head USA Inc.* action filed in the Southern District of California, Civil Case
26 No.: 06CV1434BTM CAB. The action was later settled by the parties, and
27 dismissed.

28 *Nordica USA Corp. v. Jens Ole Sorensen, Jens Erik Sorensen, and Sorensen*

1 *Research and Development Trust*. Docket No. 1:06-cv-91-JM filed March 8, 2006 in
2 the Federal District of New Hampshire. The matter was transferred and consolidated
3 with *Jens Erik Sorensen As Trustee of The Sorensen Research And Development*
4 *Trust v. Tecnica USA, Inc and Nordica USA, Inc.*, Civil Case No. 06CV1941 B
5 MLS, filed in the Southern District of California. The action was later settled by the
6 parties.

7 *Jens Ole Sorensen, and Jens E. Sorensen, as Trustee Of The Sorensen*
8 *Research and Development Trust v. DaimlerChrysler AG, and Mercedes-Benz USA,*
9 *LLC.* Civil No. 03-1763 (HAA) filed in the United States District Court for
10 Northern California and transferred to the United States District Court for New
11 Jersey. This matter has been settled and dismissed.

12 *In the Matter of Certain Automobile Tail Light Lenses And Products*
13 *Incorporating Same.* Investigation No. 337-TA-502 filed in the United States
14 International Trade Commission. The matter was remanded after appeal to the
15 Federal Circuit Court of Appeals, then settled and dismissed.

16 *Jens E. Sorensen, as Trustee Of The Sorensen Research and Development*
17 *Trust v. Premier Automotive Group, Ford Motor Company, and Jaguar, Ltd.* Case
18 No. 03-cv-01107, filed March 14, 2003 in the Federal Court for the Northern District
19 of California. The matter was settled and dismissed.

20 *Sorensen et al v. International Trade Commission et al.*, 427 F.3d 1375 (Fed.
21 Cir. 2005). After the Federal Circuit ruled in patentee's favor, the parties settled and
22 dismissed.

23
24 **DISMISSED**

25 *DMS Holdings, Inc. v. Sorensen Research & Development Trust.* Civil Case
26 No.: 07-CV-02690, filed May 11, 2007, in the United States District Court for the
27 Northern District of Illinois. This case has been dismissed. Sorensen refiled against
28 DMS Holdings in the United States District Court for Southern California (see

1 above).

2 *Lowe's Companies, Inc., et al v. Sorensen Research and Development Trust.*
3 Case No. 05-cv-00234 filed July 29, 2005 in the Federal Court for the Western
4 District of North Carolina. The matter was never served and was dismissed.

5 *Digital Innovations LLC v. Sorensen Research and Development Trust.* Case
6 No. 05-cv-06428, filed November 9, 2005 in the Federal Court for the Northern
7 District of Illinois. The matter was never served and was dismissed.

8 *Big Lots v. Sorensen Research and Development Trust.* Case No. 2:06-cv-
9 1089, filed December 29, 2006 in the Federal Court for the Southern District of
10 Ohio. The matter was never served and was dismissed.

11 *Bon-Aire v. Sorensen Research and Development Trust.* Case No. 07-cv-054-
12 S, filed January 2007 in the Federal Court for the District of Idaho. The matter was
13 never served and was dismissed.

14 *Husqvarna Outdoor Products, Inc. v. Sorensen Research and Development*
15 *Trust.* CIV. NO. CV106-160 in the Federal Court for the Southern District of
16 Georgia on October 30, 2006. The matter was never served and was dismissed.

17 DATED this Friday, June 27, 2008.

18
19 JENS ERIK SORENSEN, as Trustee of
20 SORENSEN RESEARCH AND DEVELOPMENT
21 TRUST, Plaintiff

22 /s/ Melody A. Kramer

23 Melody A. Kramer, Esq.

24 J. Michael Kaler

25 Attorneys for Plaintiff
26
27
28

Proof of Service

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Friday, June 27, 2008, I served the following documents:

FIRST AMENDED NOTICE OF RELATED CASES

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Jeffrey D. Lewin Sullivan, Hill, Lewin, Rez & Engel 550 West "C" Street, Suite 1500 San Diego, CA 92101 lewin@shlaw.com	Metabo Corporation	Email--Pleadings Filed with the Court via CM/ECF

- ☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.
- ☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.
- ☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.

I declare that the foregoing is true and correct, and that this declaration was executed on Friday, June 27, 2008, in San Diego, California.

/s/ Melody A. Kramer

Melody A. Kramer